

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JEFFREY RANIEWICZ,

Petitioner,

v.

Case No. 03-C-587

STATE OF WISCONSIN,

Respondent.

**RECOMMENDATION TO DISMISS THE PETITION FOR HABEAS
CORPUS**

The petitioner, Jeffrey Raniewicz (“Raniewicz”), is a prisoner incarcerated pursuant to a Wisconsin state court judgment. On June 20, 2003, he filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On September 5, 2003 this court stayed Raniewicz’s petition. This court then ordered that Raniewicz file any post-conviction motion with the Wisconsin state courts no later than November 26, 2003.

In this court’s November 1, 2004 order denying as moot Raniewicz’s motion to proceed in forma pauperis, this court said, “Raniewicz is again reminded that the exhaustion process is not complete until the Wisconsin Court of Appeals and the Wisconsin Supreme Court have issued a final ruling on his claims.” (emphasis in original.)

On November 14, 2005, Raniewicz wrote to this court indicating that the Wisconsin Court of Appeals had denied his motion and seeking advice on petitioning the Wisconsin Supreme Court for review. This court responded that it was unable to provide such legal advice. Raniewicz then wrote this court inquiring as to the status of his habeas petition and requesting that an attorney be

appointed to represent him. This court previously informed Raniewicz on August 5, 2004, that it had no authority to appoint an attorney to represent him in a state court matter.

The state appellate docket in this case indicates that the court of appeals summarily rejected Raniewicz's claims on November 9, 2005. The petitioner has failed to seek review from the Wisconsin Supreme Court and the deadline for requesting such review has long since passed. See Wis. Stat. § 809.62(1). Thus, Raniewicz has defaulted his claims by failing to timely present them to Wisconsin Supreme Court. See O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999); Bintz v. Bertrand, 403 F.3d 859, 864 (7th Cir. 2005).

Therefore, this case shall be returned to the Clerk's office for random reassignment to a district judge, and it is **RECOMMENDED** that the district judge **dismiss** Raniewicz's petition with prejudice for failure to prosecute.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Criminal Procedure 59 (b)(2), and General Local Rule 72.3 (E.D. Wis.); whereby written objections to any recommendation herein or part thereof may be filed within ten days of service of this recommendation. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to object in accordance with the rules cited herein waives your right to review.

Dated at Milwaukee, Wisconsin, this 5th day of September, 2006.

s/AARON E. GOODSTEIN
United States Magistrate Judge